

MAY-05-04 17:04 From:MCDONNALD 3128035570

5057/2602 T-103 P.01 Job-112

**PATENT** 

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 03-380-C)

In re Application	on of:	)	
	Scott A. Rosenberg	)	
Serial No.:	10/033,401	)	Group Art Unit: Not Assigned
Filed:	December 26, 2001	)	Examiner: Not Assigned
For:	Advertisements in a Television Recordation System	)	

#### **FACSIMILE TRANSMITTAL LETTER**

Commissioner for Patents Office of Initial Patent Examination P.O. Box 1450 Alexandria, VA 22313-1450

Fax (703) 746-9195

No. of Pages: 17 Including this Transmittal Letter

Sir:

In regard to the above identified application:

- 1. We are transmitting herewith the attached:
  - Third Request for Corrected Filing Receipt (with Exhibits A through D)
  - b) Power of Attorney Filed June 12, 2003 with return postcard
- 3. Please charge any fees or credit overpayment to Deposit Account No. 13-2490.
- CERTIFICATE OF TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby 4. certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 746-9195) on this 5th day of May, 2004.

Richard A. Machonkin Reg. No. 41,962

McDonnell Boehnen Hulbert & Berghoff LLP

300 South Wacker Drive Chicago, Illinois 60606 Telephone: 312-913-0001 Facsimile: 312-913-0002

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 03-380-C)

In re Applica	tion of:	)	
	Scott A. Rosenberg	)	
Serial No.:	10/033,401	)	Group Art Unit: Not Assigned
Filed:	December 26, 2001	)	Examiner: Not Assigned
For:	Advertisements in a Television Recordation System	) }	

#### THIRD REQUEST FOR CORRECTED FILING RECEIPT

Commissioner for Patents Office of Initial Patent Examination P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir.

An error in the named Applicants was discovered in the Filing Receipt of April 24, 2003 (Exhibit A). The Applicants are listed as "Scott Rosenberg, Somerville, MA; Denise Gurer, Scotts Valley, CA; Elaine Lusher, Pleasanton, CA". The correct Applicant should be Scott A. Rosenberg, Somerville, MA as evidenced by the Filing Receipt mailed January 24, 2002 (Exhibit B) and the Combined Declaration and Power of Attorney executed December 26, 2001 (Exhibit C) included with the Response to Notice of Missing Parts of Applicant filed on February 19, 2002. Applicant believes that Denise Gurer and Elaine Lusher were added as inventors in error by the Patent Office.

Please issue a Filing Receipt correcting this error. A Power of Attorney naming the undersigned as attorney was filed on June 12, 2003 (a copy of which is attached as Exhibit D).

Respectfully submitted,

Date: May 5, 2004

Richard A. Machonkin Registration No. 41,962

McDonnell Boehnen Hulbert & Berghoff LLP 300 South Wacker Drive, 32nd Floor Chicago, IL 60606 (312)913-0001



Job-112

## RECEIVED



4PR 2 8 2003

FENNICK & WEST LLP

Commissioner for Patents
Washington, DC 20231
www.usplo.com

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/033,401	12/26/2001	2615	1290	22407- 05674	5	20	8

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Date Mailed: 04/24/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER. FILING DATE. NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

#### Applicant(s)

Scott A. Rosenberg, Somerville, MA;

-Doniso Curor, Soutto Valley, CA;

-Elaine Lusher, Pleasanton, CA;

#### Domestic Priority data as claimed by applicant

This application is a CIP of 09/978,144 10/15/2001 and claims benefit of 60/258,671 12/27/2000

#### Foreign Applications

If Required, Foreign Filing License Granted: 01/24/2002

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Advertisements in a television recordation system

**Preliminary Class** 

386

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national-security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls. Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control. Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



#### United States Patent and Trademark Office

COMMISSIONER FOR PATENTS UNTED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 20231

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/033,401	12/26/2001	2615	1160	22407- 05674	5	20	8

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**CONFIRMATION NO. 1472 FILING RECEIPT** OC000000007356361\*

FENWICK & WEST LLP.

Date Mailed: 01/24/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Scott Rosenberg, Somerville, MA;

Domestic Priority data se claimed by applicant

THIS APPLICATION IS A CIP OF 09/978,144 10/15/2001 WHICH CLAIMS BENEFIT OF 60/258,671 12/27/2000

Foreign Applications

If Required, Foreign Filing License Granted 01/24/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Advertisements in a television recordation system

**Preliminary Class** 

386

PTO/SB/01 (6-95) (modified) Approved for use through 10/31/96 OMB 0651-0032

6010	7710	U.S. Department of Commerce	Patent and Trademark (	Drice: U.S. DEPARTMENT OF COMMERCE
		Patent and Trademark Office	Attorney Docket Number	22407-O5674
			First Named Inventor	Scott Rosenberg
•	1.63) AND POW	LARATION (37 CFR ER OF ATTORNEY		OMPLETE IF KNOWN
FOR UTILITY OR DESIGN PATENT APPLICATION			Application Number	10/033,40 1
			Filing Date	December 26, 2001
		1	Group Art Unit	2615
l i	Declaration C Submitted with Initial Filing	OR [X] Declaration Submitted after Initial Filing	Examiner Name	Unassigned
As a	below named inventor. I he	reby declare that:		

As a below named inventor, I he	ereby declare th	nat:	
My residence, mailing address,	and citizenship	are as stated below next to my name.	
I believe I am the original, first a plural names are listed below) or	and sole invent f the subject ma	or (if only one name is listed below) or an original, first and joint inventor (if atter which is claimed and for which a patent is sought on the invention entitled:	
	Advertis	ements In A Television Recordation System	
the specification of which	•	(Title of the Invention)	
is attached hereto			
OR			
[X] was filed on December 26	5, 2001 as Unite	ed States Application Number 10/033.401	

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

l acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations. § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's cortificate, or of any PCT international application having a filing data before that of the application on which priority is claimed

Prior Foreign Application	Country	Foreign Filing Date	Priority	Certified Co	py Attached?
Number(s)	- <u> </u>	(MM/DD/YYYY)	Not Claimed	YES	NO
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.										
Application Number(s)	Additional provisional									
60/258,671	12/27/2000	application numbers are listed on a supplemental								
	·	sheet attached horoto.								

DECLARATION Page 2												
I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s), or § 365(c) of any PCT												
international application designating the United States of America, listed below and insofar as the subject matter of each of the												
claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by												
the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to												
patentability as defined in Title 37, Code of Pederal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.												
U.S. Parent Application PCT Parent Parent Filing Date Parent Patent Number												
Number	Numbe					'YYY)					int Nump licable)	CL.
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Additional U.S. or PCT in	ternational applica	ation num	bers are	listed o	n a si	ipplem	ental pri	ority	cheet	attache	ad hereto	
									********			
As a named inventor, I hereby	uppoint the follow	ring attorr	१६५(३) वा	id/or ago	ent(s)	to pro	secute th	is ap	plicat	ton and	to transa	ict all
business in the Patent and Trad	emark Office con						.,					
Name		Registra Numb					Name				_	stration
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Laura A. Majero: Robert R. Sachs	, 1	42,12			D		2 Brown		16			,327 ,581
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Additional attorney(s) and	or agent(s) name	d on a su	pplemen	tal sheet	atta	hed he	reto.					
Please direct all correspondence to:		V 44									•	
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Telephone (650) 858-2332				· j	ax	(650	)) 494-14	417				•
I hereby declare that all statement	made berein of m	v own kn	pwiedee	are true	and t	that all	Statemen	ts m:	de on	inform	ation and	haliaf
are believed to be true; and further	that these stateme	ents were:	made wi	th the kr	owio	dge tha	t willful	false	staten	nents an	d the like	80
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false statements may jeopardize th												
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Inventor's Signature	T/ 1						Date		2/	2/-	<b>7.</b> . <b>-</b>	
Signature 2	~ per	-1~e	ang.	,				1º-	-/	7	2002	
Residence: City Somerville		State	MA	Count	гу	USA			Citiz	enship	USA	
Mailing Address 119 Prosp	ect Street, Apt. B	3										
Mailing Address						·					. <del>-</del>	
City Somerville		State	MA	Zip	021	43	C	ount	ry	USA		
I Additional inventors are bein	g named on suppl	emental s	heer(s)	attached	here	to						

MAY-05-04 17:06 From:MCDONNALD 3128035570

Т	-1	03	P. 1	11/1	7	Joh-1	12

	Application No.: 10/033,401	Docket No.: 22407-05674
	Applicant(s); Scott A. Rosenberg	
	Title: Advertisements in A Television Recordation	System
•	Please imprint Patent Office "date stamp" hereon	to Indicate receipt and return card to addressee.  Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  Response to Notice Of Missing Parts
	New Utility Application Transmittal	Second Request to Correct Filing Receipt
	☐ Transmittal (in duplicate)	☑ Exhibit A Corrected Filing Receipt (copy)
	☐ Declaration	Exhibit 8 Filing Receipt (copy)
	☐ Assignment & Recordation Cover Sheet	Exhibit C Combined Declaration and Power of Attorney (copy)
	☐ Power of Attorney	Letter to Chief Draftsperson
	☐ CPA Request Transmittal	Formal Drawings: sheets
	Application Data Sheet	Request for Certificate of Correction
	☐ Check in the amount of \$	☐ Notice of Appeal
	☐ Amendment/Response	Express Mail No.
		22407/05674/0000/1249491



PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031

			and in	ademark Office: L	J.S. DEPARTM	IENT OF COMMERCE		
0001/PTO Rev. 10/95	U.S. Department of Patent and Trad		Applica	Number	S∞tt A. Rose	enberg		
			Filing D	ate	10/033,401			
TRANS	MITTAL FO	RM	First Na	med Inventor	December 26	5, 2001		
	опеspondence during ; iled application)	pendency of	Group A	vt Unit Number	2615			
		1	Examin	er Name	Not Yet Know	m		
Total Number of Pag	ges in This Submission	10	Attorney	/ Docket Number	22407-05674			
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Combined Deck	aration and Power of A	Attorney		Interferences	· 	_		
Application Date	-			Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)				
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REMARKS:								
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Signature:	Dorina (	arterish	4					
Attorney/Reg. No.:	Dorlan Cartwright/F	teg. No. P-53,	853		Dated:	1/16/03		
		CERTIFICA	ATE OF	MAILING				
first class mail in an enve If the Express Mail Mailtr	correspondence, including relope addressed to: Com- ng Number is filled in belo to Addressee" service p	g the enclosures I missioner for Patr rw, then this corre	identified al ants, P.O. I sepondence	cove, is being deposite Box 1450, Alexandria,	VA 22313-1450	d States Postal Service as on the date shown below. too Postal Service		
Signature:	Donie (	autorise	<b>*</b>					
Typed or Printed Nan	me: Dorlan Cartwi	right			Dated:	4/66/03		

22407/05674/DOCS/1332735.1

Express Mail Mailing Number (optional):

Hon. Commissioner of

Serial No. 10/033,401

ERM:cj Atty

Patents and Trademarks

Re: Applicant - Scott A. Rosenberg

Case No. 03-380-C

Advertisements in a Television Recordation System

Sir:

Please place the Patent Office receipt stamp hereon and mail to acknowledge receipt of:

- Transmittal Letter,
- Power of Attorney; and b)

Asset Purchase Agreement By and Among Sonichlue Inc./ReplayTV, Inc. and Digital Networks North America, Inc. c)

Fee Enclosed

Respectfully.

McDonnell Boehnen Hulbert & Berghoff

Attorney for Applicant

Date Deposited: June 12, 2003

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 03-380-C)

In re Applicatio	on of:	)	
	Scott A. Rosenberg	) )	Group Art Unit: 2615
Serial No.:	10/033,401	) )	Examiner: Not Assigned
Filed:	December 26, 2001	)	
For:	Advertisements in a Television Recordation System	)	

### TRANSMITTAL LETTER

Commissioner for Patents P.O. Box 1450 Alexandria Virginia 22313-1450

#### Dear Sir.

In regard to the above identified application,

- 'We are transmitting herewith the attached: 1.
  - Power of Attorney a)
  - Asset Purchase Agreement By and Among Sonicblue Inc./ReplayTV, Inc. and Digital b) Networks North America, Inc.
  - Postcard. c)
- With respect to fees: 2.
  - No fee is required. a)
  - Please charge any underpayment or credit any overpayment our Deposit Account, No. b) 13-2490.

Dated: June 11, 2003

Registration No. 50,967

PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 03-380-C)

In re Applicat	ion of:		)			
	Scott A. Ros	enberg	)	Group Art Unit: 2615		
Serial No.:	10/033,401		)	Examiner: Not Assigned		
Filed:	December 2	6, 2001	)			
For:	Advertisem Recordation	ents in a Television 1 System	1)			
P.O. Box 14	Virginia 2231	3-1450				
TO DEVEN BY ASSIGNEE OF ENTIRE INTEREST						
(REVOCATION OF PRIOR POWERS)						
As assignee of record of the entire interest of the above identified						
-	⊠ ap	plication				
	☐ pa	tent				

# REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

# NEW POWER OF ATTORNEY

The undersigned hereby appoints all of the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and directs that all correspondence be addressed to that Customer Number:

Customer Number: 020306

Principal attorney or agent: Bradley J. Hulbert

Telephone number: 312-913-0001

Assignee of Entire Interest:

Name: Digital Networks North America, Inc.

Address: 19 Chapin Road

Pine Brook, New Jersey 07058-9777

# EVIDENCE AND CERTIFICATION OF CHAIN OF TITLE

	Recorded in PTO on
	ReelFrame
$\boxtimes$	Recorded herewith.

# ASSIGNEE CERTIFICATION

In accordance with 37 C.F.R. § 3.73 the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

Date: (0/5/0)

Signature

Name: James Hollingsworth

Title: President